

REMARKS

## STATUS OF CLAIMS

Claims 1-6 and 12-16 are pending.

Claims 1-6 and 12-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalra (USP 5,953,506) in view of Horton (USP 5,805,203) and Yuan (5,821,986).

Applicant appreciates the Examiner interview. As pointed out during the interview, the combination of references fails to show or suggest that the terminals in applicant's claimed invention selectively decode the single stream provided to achieve the necessary resolution of the video from the video stream.

The prior art combination of references shows the stream management module adjusting the stream combinations and no description of the terminal selectively decoding the video stream.

In the Claims

## REJECTIONS UNDER U.S.C. 35 103(a)

With regards to independent claims 1, 13, 14, and 15, the Examiner cites Kalra as disclosing a video distribution control over a network comprising encoding source video signals based on performance level messages and error status messages received from a plurality of data terminals to which video is distributed.

The Kalra reference appears to be included for its discussion of providing several sub-band streams, that when combined, yield progressively higher video quality. Specifically, Kalra discloses a stream management module transmitting stream combinations based on a profile of a receiving multimedia device. However, the present invention is distinguished in that it provides

the same, single audio/video/digital data stream to every recipient; it is the job of the recipient, in the present invention, to selectively decode the single provided stream to achieve the necessary resolution. However, in the Kalra reference, as cited by the examiner in column 3, line 66 through column 4, line 32 and in column 5, line 4 through column 6, line 53, the disclosed stream management module must not only store and update profiles on some periodic interval, *but must also selectively combine and transmit digital sub-band streams for each and every single multimedia device, an operation that is performed individually for each device.*

The system and method of the present invention is further distinguished in that changes in an end user's constraints (e.g., network bandwidth, CPU processing power, CPU load, application preference) are applied, in real-time, in decoding the incoming video data stream at the terminal.

On the other hand, the Kalra reference discloses the streams are all changed at the distribution site, a profile which is sent to the stream management module by the multimedia device and updated at periodic intervals, as cited by the Examiner in figures 15 and 16 and in column 8, lines 33 through 65.

In fact, Kalra directly states that, for adjusting and transmitting video signals on the basis of spatial resolution, the stream management module determines "which adaptive frames within the module should be transmitted" – *not which frame should be transmitted*, as in the case of the present invention.

In sum, Kalra neither teaches nor suggests a method for providing intra-frame coded insertions based on performance evaluation and error message statuses obtained from an end user.

Additionally, with regards to the Horton reference, it appears to have the transmitting

server optimizes the stream transmission based on constraints as enumerated by the connection parameters table.

Horton makes no mention, suggestion, or teaching of utilizing CPU constraints or error messages sent from the receiver of the digital transmission, nor is there a suggestion that transmission adjustments based on network connection parameters include or imply the insertion of additional I-frame for selective decoding, at each independent receiver.

With regards to the Yuan reference, applicants contend that Yuan fails to teach the insertion of intraframe-coded frames based on error status messages from the recipients. Its indicated column 16, line 17 through column 17, line 7 of the Yuan reference, shows the features however a closer reading of this passage *indicates that macroblocks are coded intraframe in response to particular conditions of a counter variable Cb that is incremented by each frame, regardless of errors*. The error referred to Yuan is distinctly different from error status messages of the present invention; error mentioned in Yuan is prediction error of video coding terminology, whereas the present invention describes error messages on the receiver end, in specific in receiving and displaying video distributions, as stated in the claims, "error status messages indicat[ing] presence of such a recipient that is experiencing intolerably frequent errors."

As is shown by the arguments for Kalra, Horton, and Yuan, none of these references either on their own or in any combination, teach or suggest the elements of the presently claimed invention.

With regards to the remaining dependant claims 2, 3, 4, 5, 6, 12, and 16, the above-mentioned arguments equally apply in that they inherit the limitations of the independent claims upon which they depend in addition to further features.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian S. Myers  
Reg. No. 46,947

**CUSTOMER NUMBER 026304**

Katten Muchin Zavis Rosenman  
Telephone: (212) 940-8703  
Fax: (212) 940-8986  
Docket No.: 100794-09710 (FUJR 16.680)  
BSM:fd